



EXPRESS MAIL No. :
EV371752749US

UV-133 Cont. 3

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT APPLICATION

Applicants : Gerald E. Bennington et al.
Application No. : 09/997,659 Confirmation No. : 5782
Filed : November 29, 2001
For : ELECTRONIC TELEVISION PROGRAM GUIDE
SCHEDULE SYSTEM AND METHOD
Art Unit : 2614
Examiner : Michael Lee

Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

STATEMENT REGARDING SUPPLEMENTAL
REQUEST FOR CONTINUED EXAMINATION

Applicants filed a Request for Continued Examination (hereinafter "the RCE") and a Supplemental Information Disclosure Statement on October 8, 2004 in the above-identified application. Copies of the RCE and the Supplemental Information Disclosure Statement are attached hereto in Exhibit A.

On November 5, 2004 the United States Patent and Trademark Office (USPTO) mailed an Advisory Action, which indicated that the RCE was improperly filed for not complying with 37 C.F.R. § 1.114 (c). Specifically, the

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RCE did not indicate that applicants' Reply to Final Office Action filed August 26, 2004 (hereinafter "the Reply") was to be entered in connection with the RCE.

Applicant's agent corresponded with the Examiner on November 16, 2004 regarding the Advisory Action, and the Examiner reported that a Supplementary Request for Continued Examination should be filed along with a statement indicating that the omission of the information referencing the Reply was inadvertent.

Accordingly, applicants submit herewith a Supplemental Request for Continued Examination, which properly indicates that the Reply is to be entered. In addition, applicants respectfully submit that the omission was inadvertent and that applicants intended to have the Reply entered in connection with the RCE. It is respectfully requested that the Supplemental Request for Continued Examination be entered and the finality of the outstanding July 22, 2004 Reply to Office Action be withdrawn.

Applicants believe that no fee under 37 C.F.R. § 1.17(e) is due for filing this Supplemental Request for Continued Examination because applicants submitted a check in the amount of \$790.00 in connection with the filing of the RCE. This check was cashed by the

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Patent Office on October 15, 2004. A copy of the cashed check is attached hereto in Exhibit B. Moreover, during the correspondence with applicants' agent, the Examiner agreed with agent's assertion that no such fee should be due in connection with the filing of the Supplemental Request for Continued Examination. However, both the Examiner and applicants' agent agreed that an extension of time fee would be due at the time the Supplemental Request for Continued Examination is filed. *

Applicants respectfully request that the Supplemental Information Disclosure Statement filed on October 8, 2004 in connection with the RCE, be considered, and the Form PTO-1449 included therewith, as considered by the Examiner be returned with the next communication (please see Exhibit A).

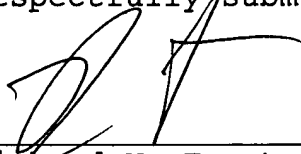
* The Reply was submitted within 2 months from the date of mailing of the Final Office Action and the Advisory Action was not mailed until after the end of the 3-month shortened statutory period. Therefore, the period for reply for purposes of determining the amount of any extension fee is the date the USPTO mailed the Advisory Action (i.e., 11/05/04). (M.P.E.P. § 714.13.) Thus, a one month extension of time fee is due if the Supplemental RCE is filed on or before December 5, 2004.

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An early and favorable return is respectfully

requested.

Respectfully submitted,



Richard M. Feustel, Jr.
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Attorney for Applicants
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New York, New York 10020-1104
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EXHIBIT A



EV 133105491 US

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FROM: (PLEASE PRINT) PHONE () Peter F. Snell, Patent Agent FISH & NEAVE 1251 AVENUE OF THE AMERICAS FL C3 NEW YORK NY 10020-1104 3597.133 UV-133 Cont.3			TO: (PLEASE PRINT) PHONE () Mail Stop RCE Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450		
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DOCKET NO.

UV-133 Cont. 3

CONFIRMATION NO.

5782

APPLICANT Bennington, et al.

APPLICATION NO. 09/997,659

FILED

11/29/2001

RECEIPT IS HEREBY ACKNOWLEDGED OF THE

Request for Continued Examination (in duplicate);

Supplemental Information Disclosure Statement;

Form PTO-1449 (in duplicate);

Copy of one (1) reference cited; and check in the amount of \$790.00.

DATED 10/8/2004

FILED IN CONNECTION WITH THE ABOVE CASE.

EV133105491
PFS/pel 003597.0133

COMMISSIONER FOR PATENTS

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LNH NL 15357311

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No. UV-133 Cont. 3
Examiner Michael Lee
Art Unit 2614

EXPRESS MAIL CERTIFICATION

"Express Mail" mailing label number: EV133105491US

Date of Deposit: October 8, 2004

I hereby certify that this transmittal letter and the other papers and fees identified in this transmittal letter as being transmitted herewith are being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. § 1.10 on the date indicated above and are addressed to Mail Stop RCE, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450



Claire J. Saintil-van Goodman

REQUEST FOR CONTINUED EXAMINATION


Sir:

This is a request for continued examination under 37 C.F.R. § 1.114 of pending prior Application No. 09/997,659 (Confirmation No. 5782), filed on November 29, 2001 for ELECTRONIC TELEVISION PROGRAM GUIDE SCHEDULE SYSTEM AND METHOD.

1. ☐ Please enter the Amendment Pursuant to 37 C.F.R. § 1.116 filed on _____ in Application No. _____.
2. ☐ Please consider the arguments in the Appeal Brief or Reply Brief filed on _____ in Application No. _____.
3. ☐ A Preliminary Amendment is enclosed.
4. ☐ Affidavit(s)/Declaration(s) is/are enclosed.
5. ☒ A Supplemental Information Disclosure Statement is enclosed.

In accordance with 37 C.F.R. § 1.97(b)(4), submission of this Statement requires no fee. However, if for any reason a fee is due, the Director is hereby authorized to charge payment of any fees required in connection with this Supplemental Information Disclosure Statement to Deposit Account No. 06-1075. A duplicate copy of this Request is enclosed.

6. ☐ A suspension of action on the above-identified patent application is requested under 37 C.F.R. § 1.103(c) for a period of _____ months.
7. ☒ A check in the amount of \$790.00 in payment of the fee under 37 C.F.R. § 1.17(e) is enclosed.
8. ☐ Please charge \$790.00 to Deposit Account No. 06-1075 in payment of the fee under 37 C.F.R. § 1.17(e). A duplicate copy of this Request is enclosed.
9. ☒ The Director is hereby authorized to charge payment of any additional fees required under 37 C.F.R. § 1.17(e) in connection with this Request, or to credit any overpayment of same, to Deposit Account No. 06-1075. A duplicate copy of this Request is enclosed.
10. ☐ Please grant a ☐ one-month, ☐ two-month, ☐ three-month, ☐ four-month, extension of time under 37 C.F.R. § 1.136(a) to the Examiner's Action of _____ in the above-identified patent application.
11. ☐ A check in the amount of \$ _____ in payment of the extension-of-time fee is enclosed.
12. ☒ The Director is hereby authorized to charge payment of any additional extension-of-time fees required under 37 C.F.R. § 1.17 in connection with this paper, or to credit any overpayment of same, to Deposit Account No. 06-1075. A duplicate copy of this Request is enclosed.
13. ☐ Please charge the extension-of-time fee of \$ _____ to Deposit Account No. 06-1075. A duplicate copy of this Request is enclosed.


Peter F. Snell
Agent for Applicants
Registration No. 52,235

FISH & NEAVE LLP
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New York, New York 10020
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Fax: (212) 596-9090

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT APPLICATION

Applicants : Gerald E. Bennington et al.
Application No. : 09/997,659 Confirmation No. : 5782
Filed : November 29, 2001
For : ELECTRONIC TELEVISION PROGRAM GUIDE
SCHEDULE SYSTEM AND METHOD
Group Art Unit : 2614
Examiner : Michael Lee

Mail Stop RCE
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Sir:

Pursuant to 37 C.F.R. §§ 1.56 and 1.97, applicants wish to call the attention of the Examiner to European Patent Application Publication No. 0 444 496 A1, published September 4, 1991.

A copy of this reference, which is listed on the accompanying Form PTO-1449 (submitted in duplicate), is enclosed

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herewith. It is respectfully requested that this reference be:
(1) fully considered by the Patent and Trademark Office during
examination of this application; and (2) printed on any patent
which may issue on this application. Applicants request that a
copy of the accompanying Form PTO-1449, as considered and
initialed by the Examiner, be returned with the next
communication.

Consideration of the foregoing in relation to this
patent application is respectfully requested.

Respectfully submitted,



Peter F. Snell
Agent for Applicants
Registration No. 52,235

FISH & NEAVE LLP
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1251 Avenue of the Americas
New York, New York 10020
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FORM PTO-1449

U.S. DEPARTMENT OF COMMERCE
PATENT AND TRADEMARK OFFICEATTY. DOCKET NO.
UV-133 Cont. 3APPLN. NO.
09/997,659SUPPLEMENTAL INFORMATION DISCLOSURE
STATEMENT BY APPLICANTSAPPLICANTS
Gerald E. Bennington et al.CONF. NO.
5782FILING DATE
November 29, 2001

U.S. PATENT DOCUMENTS

EXAMINER INITIAL	DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE

FOREIGN PATENT DOCUMENTS

EXAMINER INITIAL	DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION
	0 444 496 A1	4-Sep-91	EP			

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)

EXAMINER INITIAL	

EXAMINER

DATE CONSIDERED

EXAMINER: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not conformance and not considered. Include copy of this form with next communication to applicants.

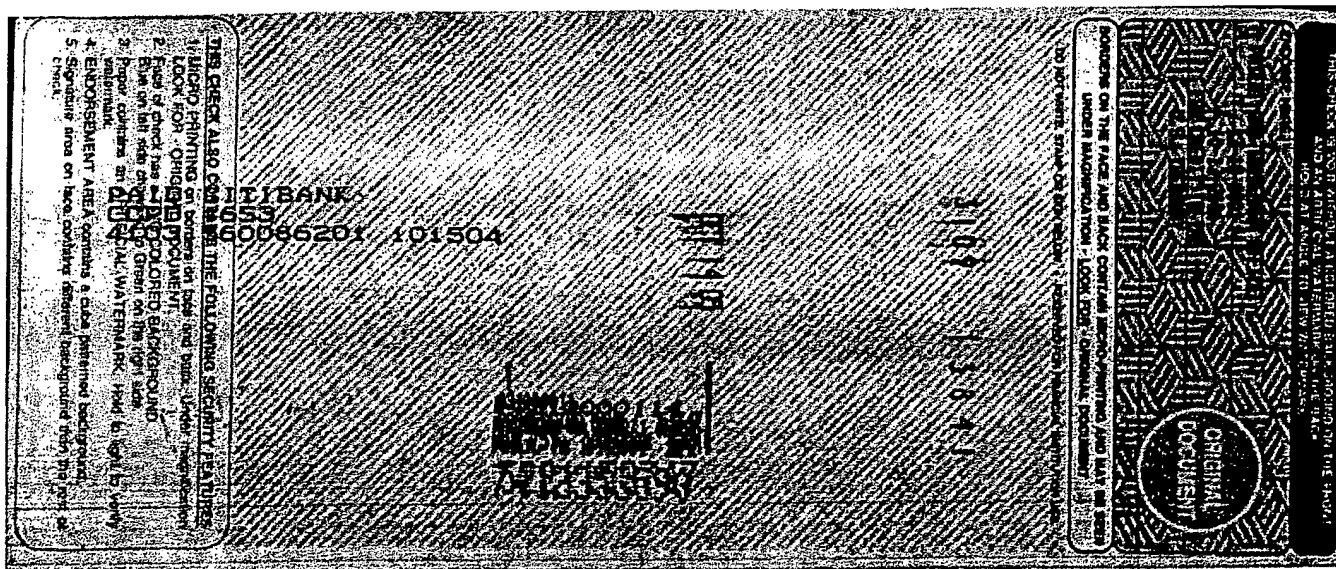
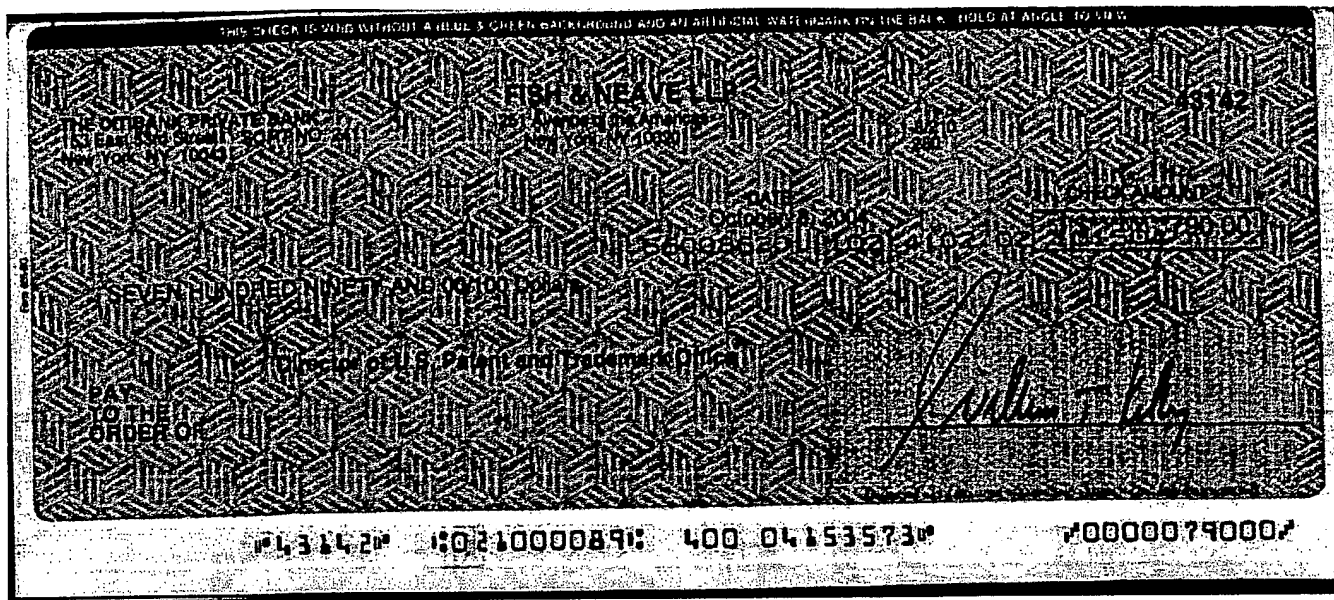
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EXHIBIT B

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